



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,045	08/29/2000	William T. Geddes Jr.	3503-0103P	8375
30593	7590	03/31/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			THEIN, MARIA TERESA T	
		ART UNIT		PAPER NUMBER
		3627		

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/650,045	GEDDES JR. ET AL.
	Examiner Marissa Thein	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 December 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 75-85,92-101,114-119,122-133,139 and 151-230 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 75-85,92-101,114-119,122-133,139 and 151-230 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12-23-04

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Amendment

Applicants' "Amendment" filed on December 23, 2004 has been considered with the following effect.

Applicants' response to claims 75-81, 83-85, 114-119, 122-125, 130-133, 151-160, 161-170, 172-177, 180-189, 191-193, 204-208, 217-218, 221-224, and 227-228 has not overcome the Examiner's rejection of such claims under 35 USC § 101. See discussion below.

Claims 75-85, 92-101, 114-119, 122-133, 139, and 151-230 remain pending in this application.

Information Disclosure Statement

Applicants' resubmission of the "original PTO-1449" forms filed on January 11, 2002 and August 13, 2004 were considered. The resubmission is in compliance with the provisions of 37 CFR 1.97.

Response to Arguments

Applicant's arguments filed on December 23, 2004 have been fully considered but they are not persuasive.

Rejections Under 35 U.S.C. § 101

Applicants remark that "Bowman is clearly distinguished from the present application claims, including claim 75". Furthermore, Applicants remark that "the disclosed and claimed invention is not directed to some abstract idea".

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore,

the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

In utilizing the two-prong test as indicated *supra*, the claimed invention as a whole must accomplish a practical application. The Examiner notes, in the present application, claims 75-81, 83-85, 114-1 19, 122-125, 130-133, 151-160, 161-170, 172-177,180-189, 191-193, 204-208, 217-218, 221-224, and 227-228 do produce a useful, concrete and tangible result.

The Examiner further notes, claims 75-81, 83-85, 114-1 19, 122-125, 130-133, 151-160, 161-170, 172-177,180-189, 191-193, 204-208, 217-218, 221-224, and 227-

228 fail to recite any technology within the claims. For example, claim 75 recites "a method comprising". Utilizing *Toma*'s "technological arts" analysis, claim 75 is not within the "technological art," because the claimed invention is not an operation being performed by a computer within a computer.

The Examiner further notes, claim 75 recites "allocating, upon receiving notification of a business transaction via network.....". The body of the claim is a trivial use of the technology. The step of determining and allocating have no connection to a computer or technology, therefore, there is no structural or functional interrelationship with these method steps. See MPEP 2106.

The remarks above apply to each of the independent claims.

Prior Art Rejections

Applicants remark that "Burke fails to teach or suggest at least allocating.... a determined portion of the business transaction proceeds to a first of the plurality of entities and allocating a determined portion to at least one additional entity".

The Examiner does not concur. Burke discloses a consumer in a shop, supermarket, gasoline station, department store selects the desired merchandise and brings them to a clerk (col. 5, lines 54-56). The clerk enters the prices of the various pieces of merchandise whether by way of a keyboard or a barcode reader, into the electronic cash register (col. 6, lines 57-60). The cash register determines the total price and the customer then gives the clerk the cash to cover or exceed the total price (col. 6, lines 60-62). The customer may then wish to have an amount charged to the

checking account, credit or debit card in excess of the price in order to make donations or distributions (col. 6, lines 64-67). If the customer decides to use a network card, the donations and distribution is based on the records stored in a clearinghouse for the particular network card (col. 7, lines 63-65). The clearinghouse searches the records to find the pre-programmed pay out amounts for the particular card (col. 7, lines 63-65). The pay out amounts are entered, the clearinghouse starts apportioning the pay out amounts in the pre-programmed proportions by priorities and amounts (col. 7, line 65 – col. 8, line 1). The selected amounts are entered in the accounts of various charities, banks, debit card, and vouchers (col. 8, lines 2-3). The electronic cash registers then prints out the amounts deposited, entered into various accounts, the prices, the change, etc (col. 8, lines 11-14). Furthermore, the register provides the consumer with a printed receipt of each donation for tax purposes and authentication that the charity will receive the money (col. 8, lines 38-40). Moreover, Burke discloses the calculation the additional amount by predetermined data which is referred to as the rounder system (col. 11, lines 25-26). The rounder system is based on the ability to create excess funds by applying a determinant to the face amount or number of account entries (col. 11, lines 47-48). The computer apportions rounder account continuations per account instruction (col. 13, lines 65-66). The computer then transfers out the charity contributions, savings, investments, and other accounts (col. 14, lines 1-2).

Such consumer purchasing merchandise, wherein the customer may wish to have an amount charged to the checking account, credit or debit card in excess of the price in order to make donations or distributions; records to find the pre-programmed

pay out amounts for the particular card; the pay out amounts are entered, the clearinghouse starts apportioning the pay out amounts in the pre-programmed proportions by priorities and amounts; the rounder system is based on the ability to create excess funds by applying a determinant to the face amount or number of account entries; and the computer apportions rounder account continuations per account instruction and transfers out the charity contributions, savings, investments, and other accounts are considered “allocating.... a determined portion of the business transaction proceeds to a first of the plurality of entities and allocating a determined portion to at least one additional entity”.

Applicants remark pertaining to claims 77, 92, 161, 180, and 194.

The Examiner draws Applicants attention to the explanation above.

Further Rejections

Applicants remark that “the Examiner has not supplied evidence of necessary motivation needed to lead one of ordinary skill in the art to combine the teachings of Burke and Ferguson et al....absent such motivation, a *prima facie* case of obviousness under 35 U.S.C. § 103(a has been established”. Furthermore, Applicants remark that “the Examiner has not provided any showing of a suggestion, teaching or motivation to combine the prior art references to reject the claims....relying on common knowledge or common sense of a person of ordinary skill in the art without any specific hint or

suggestion of this in a particular reference is not a proper standard for reaching the conclusion of obviousness".

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, **or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.** See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the motivation to combine the references is found in the knowledge generally available to one of ordinary skill in the art. The motivation is "in order to provide global communication anywhere in the world".

In response to applicants' remarks that "relying on common knowledge or common sense of a person of ordinary skill in the art without any specific hint or suggestion of this in a particular reference is not a proper standard for reaching the conclusion of obviousness", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 75-81, 83-85, 114-119, 122-125, 130-133, 151-160, 161-170, 172-177, 180-189, 191-193, 204-208, 217-218, 221-224, and 227-228 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The method claims as presented do not claim a technological basis in the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. For example in claim 75, the body of the claim is a trivial use of the technology. The “notification of a business transaction” is received “via a network connection”, however the method of “determining a business transaction” and the “allocating” are not in the technological arts. There is no structural or functional interrelationship with these method steps. Therefore, the claim is nothing more than an abstract idea, which is not tied to any technological art and is not a useful art. *Ex parte Bowman*, 61 USPQ2d 1665, 1671 (BD, Pats. App. & Inter. 2001). See MPEP 2106 IV 2(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 75-85, 92-101, 114-119, 122-125, 129-133, 139, 151-177, 180-206, 209-210, 213-214, 217-218, 221-224, 227-228 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,112,191 to Burke.

Regarding claim 75, Burke discloses a method comprising:

- determining a business transaction proceeds allocation between a plurality of entities (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40);
- allocating, upon receiving notification of a business transaction, a determined portion of the business transaction proceeds to a first of the plurality of entities and allocating a determined portion to at least one additional entity (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31).

Regarding claim 76, Burke discloses the notification is received from one of the plurality of entities (see at least col. 3, lines 4-30; col. 5, lines 49-51; col. 6, lines 23-31).

Regarding claim 77, Burke disclose the method comprising:

- determining a business transaction proceeds allocation between a plurality of entities (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40); and
- allocating, upon receiving notification of a business transaction, a determined portion of the business transaction proceeds to a first of the plurality of entities and allocating a determined portion to at least one additional entity, wherein the business transaction proceeds allocation is stored in memory (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; col. 6, lines 46-52).

Regarding claims 78-80, 82-85, 93-96, and 98-101, Burke the business transaction proceeds allocation includes a fixed fee per transaction for at least one entity (see at least col. 6, lines 23-32; col. 7, line 63 – col. 8, line 9); the business transaction proceeds allocation includes a predetermined percentage allocation for at least one entity (see at least col. 12, lines 11-24; col. 12, lines 50-59); and sending the allocated determined portions of the business transaction proceeds to each of the first and at least one additional entity (see at least col. 6, lines 23-32; col. 7, line 63 – col. 8, line 9).

Regarding claims 81 and 97, Burke discloses receive a fund distribution request based upon a business transaction (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40; col. 11, lines 24-30; col. 12, lines 11-24); and determination whether or not the fund distribution request is subject to a predetermined business transaction proceeds allocation, wherein the business transaction proceeds allocation is determine upon first determining that the fund distribution request is subject to a predetermined business transaction proceeds allocation (see at least col. 11, lines 24-30; col. 11, lines 47-67; col. 12, lines 11-24; col. 12, lines 50-59).

Regarding claim 92, Burke discloses a system comprising:

- a database, adapted to store at least one business transaction proceeds allocation between plurality of entities (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40);
- a controller, adapted to determine a business transaction proceeds allocation between a plurality of entities from the data base, and adopted to, upon receiving

notification, allocate a determined portion of the business transaction proceeds to a first of the plurality of entities and allocate a determined portion to at least one additional entity (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; col. 6, lines 46-52).

Regarding claim 114, Burke discloses a method further comprising:

- associating a user of a computer device with at least one of a plurality of beneficiary group (see at least col. 4, lines 54-55; col. 5, lines 21-27; col. 6, lines 23-32; col. 9, line 64 – col. 10, line 23); and
- providing an arrangement for transacting business, associating the user with at least one provider of a good, service, or information, the at least one provider being one of the plurality of entities and being associated with at least one beneficiary group including at least one beneficiary group associated with the user, wherein at least one additional entity includes at least one of the plurality of beneficiary groups associated with the user (see at least col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; col. 6, lines 46-52).

Regarding claims 115-119 and 122-123, Burke discloses arranging for the at least one beneficiary group associated with the user to benefit from the user obtaining a good, service or information from the at least one associated provider (see at least col. 4, lines 54-55; col. 5, lines 21-27; col. 6, lines 23-32; col. 9, line 64 – col. 10, line 23); arranging for at least one associated provider to benefit the at least one beneficiary group associated with the user, upon the user obtaining a good, service or information from at least one associated provider (see at least col. 3, lines 49-64; col. 4, lines 11-29;

col. 5, lines 21-40; col. 6, lines 23-32); arranging for the user to obtain the desired good, service or information from at least one associated provider (see at least col. 5, lines 54-62; col. 6, line 53 – col. 7, line 13); wherein at least one of the plurality of beneficiary groups is an entity (see at least col. 7, line 63 – col. 8, line 10; col. 8, lines 54-67); wherein at least one of the plurality of beneficiary groups includes an entity (see at least col. 7, line 63 – col. 8, line 10; col. 8, lines 54-67); wherein the arranging includes providing to the user a display including a name of at least one associated provider (see at least col. 3, lines 49-64).

Regarding claims 124-125, Burke discloses the method further comprising:

- receiving an input request and user-specified beneficiary group, associating the user with a beneficiary group, from the computer device of the user (see at least col. 4, lines 54-55; col. 5, lines 21-27; col. 6, lines 23-32; col. 9, line 64 – col. 10, line 23); and
- searching for at least one provider, based upon the arrangement and the received input request and user-specified beneficiary group, the arrangement including a synergistic concentric circle arrangement (see at least col. 4, lines 11-29; col. 6, lines 23-32; col. 7, line 63- col. 8, line 29); and
- outputting any associated providers to the user (see at least col. 4, lines 11-29; col. 6, lines 23-32; col. 7, line 63- col. 8, line 29).

Regarding claim 129, Burke discloses the computer device includes one of a personal computer, personal digital assistant and wireless phone (see at least col. 2, lines 46-60; col. 4, lines 11-20; col. 5, lines 32-40).

Regarding claim 130, Burke discloses:

- receiving from a computer device of a user, a request including a desired good, service or information and at least one user-specified beneficiary group (see at least Figure 2; col. 5, lines 54- col. 6, line 32);
- associating the user to at least one provider of the requested good, service or information, associated with at least one beneficiary group including the at least one user-specified beneficiary group, for transacting business based upon the received request and at the least one user-specified beneficiary group, wherein the at least one additional entity includes the at least one of the beneficiary groups associated with the users (see at least Figure 2; col. 5, lines 54- col. 6, line 56).

Regarding claims 131-133, the claims are rejected on the same grounds as claims 115-117 above.

Regarding claim 139, the claim is rejected on the same grounds as claim 129 above.

Regarding claims 151-154, Burke discloses wherein the business transaction proceeds allocation to another entity is a predetermined percentage of the business transaction proceeds (see at least col. 12, lines 11-24; col. 12, lines 50-59); and wherein the business transaction proceeds is a predetermined fixed fee (see at least col. 6, lines 23-32; col. 7, line 63 – col. 8, line 9).

Regarding claims 155-160, Burke discloses wherein the first of the plurality of entities includes a provider of at least one of a good, service, or information; wherein

one of plurality of entities includes a consumer of at least one of a good, service, or information of the provider; and wherein at least one additional entity does not include the consumer (see at least col. 2, lines 46-59; col. 3, lines 14-35; col. 4, lines 11-28; col. 4, lines 30-62).

Regarding claim 161, Burke discloses a method comprising:

- receiving notification, via a network connection, of a business transaction between a plurality of entities (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40; col. 5, lines 49-51; col. 6, lines 23-31); and
- allocating a predetermined portion of proceeds of the business transaction to a first of the plurality of entities and allocating a determined portion to at least additional entity (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; col. 12, lines 11-24; col. 12, lines 50-59).

Regarding claims 162-165, the claims are rejected on the same grounds as claims 155-160 above.

Regarding claims 164-169, the claims are rejected on the same grounds as claims 76 and 78-80 above.

Regarding claim 170, the method further comprising:

- receiving a fund distribution request based upon the business transaction (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40; col. 11, lines 24-30; col. 12, lines 11-24); and
- determining whether or not the fund distribution request is subject to a predetermined business transaction proceeds allocation, wherein the business

transaction proceeds allocation is determined only upon first determining that the fund distribution request is subject to a predetermined business transaction proceeds allocation (see at least col. 11, lines 24-30; col. 11, lines 47-67; col. 12, lines 11-24; col. 12, lines 50-59).

Regarding claims 171-174, the claims are rejected on the same grounds as claims 82-85 above.

Regarding claim 175, the claim is rejected on the same grounds as claim 114 above.

Regarding claim 176, the claim is rejected on the same grounds as claim 119 above.

Regarding claim 177, the claim is rejected on the same grounds as claim 124 above.

Regarding claim 180, Burke discloses the method comprising:

- storing business transaction proceeds allocation information (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; claim 33); and
- allocating, upon receiving notification of a business transaction between a plurality of entities via network connection, a portion of proceeds of the business transaction to a first of the plurality of entities based upon the stored business transaction proceeds allocation information, and allocating a portion of proceeds of the business transaction to at least one additional entity based upon the stored business transaction proceeds allocation information (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; col. 12, lines 11-24; col. 12, lines 50-59).

Regarding claims 181-184, the claims are rejected on the same grounds as claims 155-157 above.

Regarding claims 185-188, the claims are rejected on the same grounds as claims 76 and 78-80 above.

Regarding claim 189, the claim is rejected on the same grounds as claim 81 above.

Regarding claims 190-193, the claims are rejected on the same grounds as claims 82-85 above.

Regarding claim 194, Burke discloses a system comprising:

- a database, adapted to store business transaction proceeds allocation information (see at least col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; claim 33); and
- a controller, adapted to, upon receiving notification of a business transaction between a plurality of entities via a network connection, allocate a portion of proceeds of the business transaction to a first of the plurality of entities based upon the stored business transaction proceeds allocation information and allocate a portion of proceeds of the business transaction to at least one additional entity based upon the stored business transaction proceeds allocation information (see at least Figure 2; col. 3, lines 4-30; col. 4, lines 11-29; col. 5, lines 5-40; col. 11, lines 24-30; col. 11, lines 47-67; col. 12, lines 11-24; col. 12, lines 50-59).

Regarding claims 195-198, the claims are rejected on the same grounds as claims 93-96 above.

Regarding claim 199, the claim is rejected on the same grounds as claim 97 above.

Regarding claims 200-203, the claims are rejected on the same grounds as claims 98-101 above.

Regarding claim 204, the claim is rejected on the same grounds as claim 114 above.

Regarding claim 205, the claim is rejected on the same grounds as claim 119 above.

Regarding claim 206, the claims are rejected on the same grounds as claim 124 above.

Regarding claims 209, Burke discloses a consumer is associated with at least one of a plurality of beneficiary groups, and the at least one provider is one of the plurality of entities and is associated with at least one beneficiary group including the at least one beneficiary group associated with the user, wherein the at least one additional entity includes at least one of the plurality of beneficiary groups associated with the user (see at least col. 2, lines 46-59; col. 3, lines 4-35; col. 4, lines 11-29; col. 4, lines 30-62; col. 5, lines 5-40; Figure 2; col. 6, lines 23-31; col. 6, lines 46-52).

Regarding claims 210, 214, 218, 222, 224 and 228, the claims are rejected on the same grounds as claim 119 above.

Regarding claims 213, 217, 221, 223, and 227, the claims are rejected on the same grounds as claim 209 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 126-128, 178-179, 207-208, 211-212, 215-216, 219-220, 225-226, and 229-230 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,112,191 to Burke in view of U.S. Patent No. 5,819,092 to Ferguson et

al. Burke substantially discloses the claimed invention. However, Burke does not explicitly disclose hyperlinks, Internet connection and worldwide web. Burke discloses a system that can operate in an online mode (col. 9, lines 15-18). Furthermore, Burke discloses a communication system that may include telephone lines, satellites or cables connection and where locations of computers are remote from the central computer (col. 5, lines 7-13). Ferguson, on the other hand, teaches hyperlinks, Internet connection and worldwide web (col. 7, lines 36-46; col. 10, lines 29-39; col. 10, lines 55-61). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of Burke, to include hyperlinks, Internet connection and worldwide web, as taught by Ferguson, in order to provide global communication anywhere in the world.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
March 21, 2005

James S. McClellan
JAMES MCCLELLAN
PRIMARY EXAMINER